

REMARKS

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, the claims have been amended for clarity.

Applicant would like to point out that the above changes are not substantive, but are editorial in nature only and do not affect the scope of the claims.

The Examiner has rejected claim 13 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,153,866 to Satoh et al. Applicant acknowledges that the Examiner has allowed claims 1-12.

The Satoh et al. patent discloses an optical disc recording-reproducing apparatus for determining the last recorded sensor, in which neighboring tracks include sectors each having a square envelope representing reproduced signals from an ID part and a square envelope representing reproduced signals from a data field. The heights of some of the square data envelopes are shown as being reduced due to crosstalk effect.

The Examiner has indicated:

"Satoh et al disclose (see fig.1) a recording medium including tracks (on disk,1) including a stream of code words , characterized in that the stream of code words comprises a first data block(see "data fields" shown DF on the "neighboring" tracks n through n+2, shown in figs.2(a)-2(c)).

"Satoh et al further disclose (fig. 2a-2c) "cross talk" values (see below) the value is based on a cross talk between the tracks , where the second track is adjacent to a third track which is adjacent to the first track. As shown in figures 2a-2c blocks, blocks 34B-38B represent the cross talk effects from other tracks".

As noted in MPEP § 2131, it is well-founded that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 13 includes the limitation "the stream of code words comprises a first data block in a first track and a control point, corresponding to the first data block, added to the stream of code words and inserted in the track, the control point having a value, where the value is based on a cross talk between the first data block in the first track and a second data block in a second track, where the second track is adjacent to a third track which is adjacent to the first track".

Applicant submits that Satoh et al. neither discloses nor suggests such a control point added to the stream of code words and inserted in the track along with the first data block, and that the value of the control point is based on the cross talk between the first data block and a second data block in a second track adjacent to a third track which is adjacent to the first track. Rather, Satoh et al. merely shows that the levels of the data in one track are affected by cross talk with data in another track.

In view of the above, Applicant believes that the subject invention, as claimed, is neither anticipated nor rendered obvious by Satoh et al., and as such, is patentable thereover.

Applicant believes that this application, containing claims 1-13, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by /Edward W. Goodman/
Edward W. Goodman, Reg. 28,613
Attorney
Tel.: 914-333-9611